



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kerrie Romanow

**SUBJECT: EMERGENCY DROUGHT  
DECLARATION**

**DATE:** August 4, 2014

Approved

Date

8/12/14

## **RECOMMENDATION**

Adopt a resolution declaring a water shortage of 20% city-wide and direct staff of the City's Municipal Water System to implement Stage 1 of its Water Shortage Contingency Plan, which describes the City's Municipal Water System's actions in the event of a water shortage, to be in effect through April 25, 2015.

## **OUTCOME**

The declaration of a 20% water shortage will trigger an enhanced level of city-wide restrictions on potable water use under Chapter 15.10 of the Municipal Code. Implementing these restrictions within the City's Municipal Water System (Muni Water) service area is required under recently adopted state regulations.

## **BACKGROUND**

On January 17, 2014, Governor Brown proclaimed a state of emergency due to state-wide drought conditions and called on all Californians to reduce their water usage by 20%. Additionally, the Governor signed legislation on March 1, 2014 that authorizes the State Water Resources Control Board (State Water Board) to issue emergency regulations in drought years. On July 16, 2014, the State Water Board adopted Resolution No. 2014-0038 with emergency regulations for urban water suppliers, and this includes Muni Water. These regulations became effective July 28, 2014 and will expire on April 25, 2015, unless extended by the State Water Board.

## **ANALYSIS**

The emergency regulations adopted by the State Water Board mandate that each urban water supplier, such as Muni Water, implement all requirements and actions of the stage of its Water Shortage Contingency Plan (WSCP) that imposes mandatory restrictions on outdoor irrigation of

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ornamental landscapes or turf with potable water. If found to be in violation of the State Water Board's emergency regulation provisions after issuance of a cease and desist order, Muni Water could be subject to penalties of up to \$10,000 per day of violation.

Muni Water's WSCP was adopted by Council in June 2011, as part of Muni Water's Urban Water Management Plan. In Stage 1 of the WSCP, the use of potable water for irrigation of outdoor landscaping is prohibited during designated daylight hours. However, a Council declaration of a water shortage is needed for Muni Water to implement Stage 1 of the WSCP and remain in compliance with State Water Board regulations.

Council declaration of a city-wide water shortage will also prohibit the use of potable water for irrigation of outdoor landscape during designated daylight hours throughout San José. Staff recommends that Council adopt a resolution declaring a 20% water shortage city-wide in effect for as long as the State regulations requiring a landscape irrigation restriction remain in effect. Even though a declaration of a 10% water shortage is the minimum needed for Muni Water to comply with the State Water Board's regulations, a declaration of a 20% water shortage will be consistent with the Governor's call to reduce water by 20% and to communicate a strong message about the severity of the drought. In addition, the Santa Clara Valley Water District, the wholesale water agency that provides water to the three water retailers in San José, has a declared a water shortage of 20% county-wide.

In addition to the requirements for urban water suppliers, the State Water Board also adopted state-wide restrictions, which prohibit the use of potable water for the following except for immediate health and safety reasons:

- watering outdoor landscapes in a manner that causes excess runoff;
- washing down sidewalks and driveways;
- washing a motor vehicle with a hose, unless the hose is fitted with a shut-off nozzle; and
- operating a fountain or decorative water feature, unless the water is part of a re-circulating system.

Chapter 15.10 of the City's Municipal Code has water use restrictions very similar to these new State Water Board restrictions, and are in effect at all times.

### **EVALUATION AND FOLLOW-UP**

Staff will monitor water use in the Muni Water service area monthly and may recommend further action by Council if needed to further reduce water use. Staff will also monitor any revenue impacts and if a budget adjustment is needed, staff will return to Council with recommendations.

## **POLICY ALTERNATIVES**

***Alternative 1: Adopt this resolution, direct staff to implement Stage 1 of the Water Shortage Contingency Plan, and direct staff to propose changes to the Municipal Code to align the restrictions in the Municipal Code with the State Water Board's restrictions.***

**Pros:** This would reduce confusion over the small differences in the state-wide restrictions and the restrictions that are currently in effect in San José.

**Cons:** The State Water Board's regulations are temporary measures and are expected to expire April 25, 2015. In addition, the State Water Board may modify or add restrictions if drought conditions persist.

**Reason for not recommending:** Municipal Code Chapter 15.10 restrictions are very similar, and with the same intent, as the temporary State Water Board regulations.

## **PUBLIC OUTREACH/INTEREST**

- ☐ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.  
**(Required: Website Posting)**
- ☒ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Muni Water staff currently conducts outreach efforts with a strong water conservation message. This message is on the City's website, which can be translated into many languages; is sent out on social media; distributed to Muni Water customers via direct mail; and shared at community events. If Council adopts the recommended action, staff will notify Muni Water customers about the State Water Board's regulations and restrictions described in the Municipal Code and will conduct additional outreach using the methods above.

## **COORDINATION**

This memorandum has been coordinated with the Department of Planning, Building and Code Enforcement, City Attorney's Office, and City Manager's Budget Office.

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**COST SUMMARY/IMPLICATIONS**

Muni Water retail water rates for Fiscal Year 2014-15 were calculated assuming a decrease in water sales, revenue, and costs, and these will continue to be monitored throughout the year.

**CEQA**

Exempt, File No. PP14-065.

/s/

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Director, Environmental Services

Department

For questions please contact Jeff Provenzano, Division Manager, at 408-277-3288.